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STATE OF DELAWARE
BOARD OF NURSING
Practice and Education Committee

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PRACTICE and EDUCATION COMMITTEE

(Approved June 13, 2014)

The Practice and Education Committee held a meeting on February 4, 2014 at 9:00 A.M. in Conference Room B , Cannon Building, 861 Silver Lake Blvd, Dover, Delaware.

PRESENT: Robert Contino, Barbara Willey, Stephanie Evans-Mitchell, Nancy Bastholm, Linda Brauchler, Kathleen Riley-Lawless

ABSENT: Valerie Harrison

GUESTS: Lucille Gambardella, Barbara J. Robinson, Dr. Ola Aliu

PRESIDING: Dr. Contino

STAFF: Pamela Zickafoose, Executive Director, Delaware Board of Nursing

CALL TO ORDER: Dr. Contino called the meeting to order at 9:08 a.m. He requested to amend the agenda by adding item 2.5 Excelsior College letter. By unanimous vote the motion carried.

REVIEW OF MINUTES: Ms. Bastholm previously recommended three typographical corrections and motioned to approve the minutes as corrected, seconded by Ms. Brauchler, to approve the minutes of the December 20, 2013 meeting. By majority vote the motion carried, with Dr. Riley-Lawless abstaining.

EDUCATION – Review of Annual Reports

Nursing School Complaints

Dr. Zickafoose stated she was contacted by Dr. Patty Keeton from the Department of Education (DOE) regarding three student complaints, one which was dismissed. Dr. Keeton shared a voice mail and email from one student. Members discussed the email sent to Dr. Keeton from a student at Leads School of Technology. The emailed complaint alleged the student did not get her ATI pharmacology book until after the class was over as well as a clinical concern that “We stopped going in August many of times we would sit in our cars in the parking lot of the nursing home on Broomall Street some times we would sit in the basement and talk or no teacher would show up.” Finally the complaint alleged grading and communication issues with “Dr. Barbra and Elen.” Committee members discussed options to verify the complaint such as a surprise site visit or contacting the nursing home to ascertain the amount of time the students were there. Ms. Brauchler stated the complaint also mentioned the students were not getting their labs. Ms. Bastholm stated students not getting clinical hours is also a concern. Ms. Willey commented it would be hard to ask the facility if students were there for the required time as most facilities have more than one school. Dr. Riley-Lawless questioned if the school could be asked to respond. Ms. Bastholm made a motion to request

a response from Leads including the details of the exam, clinical, and labs and to supply any information provided to the DOE to the Board of Nursing. With Dr. Riley-Lawless seconding, the motion passed by unanimous vote.

Leads Associate Degree New Program Application

Committee members received a copy of Section 2 of the Rules and Regulations pertaining to education standards and blank copies of the New Program Application Phase I and II and the instructions page. Dr. Zickafoose mentioned there is a non-refundable fee that was previously submitted in 2011 and Leads was granted the opportunity to resubmit their application.

Using the Phase I application form and starting with Rule 2.5.1, members reviewed the proposed program.

2.5.1.1- Controlling Entity

Information was present in the application. However the letter from the Department of Education was dated February 2011. Ms. Willey questioned how long the letter was good for. Dr. Evans-Mitchell asked if anything had changed since they submitted their request to the DOE in 2011. Ms. Bastholm commented they need DOE approval before we approve and Dr. Contino stated this was an issue with the first application to determine which comes first “the chicken or the egg.” He also read 1.6 in Appendix A-1 stating the “school will offer post secondary education leading to the award of an Associate Degree in the area of Liberal Arts and Sciences” and he questioned if they are offering other degrees as well. Dr. Zickafoose added that the letter submitted was from Dr. Keeton who oversees the trade schools and not higher education programs. Leads did meet with Dr. Barton from the higher education section. Members concluded there was a need for a current letter from the DOE detailing where Leads is in the process of applying for authority to grant an Associate Degree program and the letter needs to be submitted from the appropriate section in the DOE.

2.5.1.2.1- Needs Assessment

Committee members held a long discussion regarding the methods of conducting the needs assessment and the validity of the results. Page 7 states “potential applicants walked in to sign a document.” One statement on the alumni survey asked 130 of Leads graduates to rank “I prefer Leads remains a LPN program” and 85.47% strongly disagreed. This could be quite biased. Twenty community organizations were surveyed representing 14 in DE, 4 in NJ, and 2 in PA. Members discussed results and stated it is hard to believe an acute care hospital setting would “prefer an Associate Degree nurse” knowing that all are moving toward Magnet status which requires a BSN degree. Dr. Evans-Mitchell commented there was not an adequate population surveyed for the students, community and alumni as they were all targeted populations. She suggested they conduct a needs assessment with an unbiased population across all three groups.

Dr. Contino referred back to the Phase I application number 7 which states “the needs assessment must identify, at a minimum, potential students and employment opportunities for graduates of the proposed program.” Potential students were identified. Employment opportunities were not specifically identified- no data was supplied to indicate the number of open RN positions available in the state nor any comparison to the other Associate Degree programs and their numbers of graduates or employment data. Dr. Evans-Mitchell commented it is not ethical to take students money and then not be able to be employed. She concluded the survey is not reflective of the true

need in the state. Dr. Contino stated the students may not plan to stay in DE and Ms. Willey questioned "are they employable?" Ms. Bastholm questioned what the committee members would recommend. Dr. Evans-Mitchell stated she would recommend they do the needs assessment with less bias on a larger population across a wider spectrum where the graduates would be employed such as acute care. They should survey all facilities in DE regarding hiring of Associate Degree RNs rather than only a "RN population." She asked other members if they felt this demonstrates a need and others agreed it did not.

Ms. Bastholm stated her students at Beebe conducted a survey in DE and found 20 positions were needed with 8 positions being at Beebe and only 5-6 ads required the BSN degree. Dr. Contino stated it is hard to predict what the need will be in three years but the BSN is much preferred. Dr. Riley-Lawless works at Al DuPont and they are hiring experienced nurses, preferably with a BSN. In fact last year they did not have RN positions available for some of the current employees who went back to school. Ms. Willey asked if there was a sample size that was a fair number to poll for the surveys. Dr. Zickafoose replied that a statistician can provide information on the number of surveys needed to provide valid, reliable, and statistically significant data. Leads shows 258 were surveyed (117 alumni, 121 potential student applicants, and 20 professional community group) and Dr. Contino said he did not believe there was a magic number. Ms. Brauchler asked if page 5 was representative of DE communities and Ms. Bastholm summarized the data reflects their students who want to attend versus whether there are employment opportunities. Dr. Contino stated there are four states in our service area but jobs are a "little" tight; however with the Affordable Care Act and in 3-4 years we don't know what it will look like so how can you project that. He said he was comfortable with the needs assessment.

Members went back to the survey data submitted. Dr. Contino referred them to Appendix E-6 Professional Community page 11 which asked "As an employer I hire Associate Degree graduates" and 19/20 respondents agreed or strongly agreed, but members questioned who the respondents were. However when asked the number of positions available, five respondents did not answer and there was a total of 48 positions between 15 organizations which averages about 3 per organization.

Dr. Evans-Mitchell made a motion for Leads to expand the needs assessment survey beyond their current students and alumni, to survey a larger population of the professional community and determine employment opportunities, seconded by Ms. Willey. After further discussion, by majority vote the motion passed with Dr. Contino and Ms. Bastholm opposing. Ms. Willey added they should also consider the other Associate Degree programs in DE and their numbers of graduates.

2.5.1.2.2- Resources

Members noted the projected budget with tuition of \$9500 annually. Ms. Brauchler stated most degree granting institutions list the fees per credit hour. Enrollment is projected to have 24 students admitted the first year and then another 24 the second year. Members felt the financial resources were adequate.

2.5.1.2.3- Governing institution approval and support

A letter was present as Appendix D from Ola Aliu, M.D., MPH stating as "President of Leads School of Technology I hereby express our approval and total support for the establishment of an ADN program at Leads School of Technology."

2.5.1.2.4- Community support

Ten letters of support were included in the application. One was from a long term care facility, two were from community agencies, one from a staffing agency, three from legislators, and three were from physicians representing two practice groups.

2.5.1.2.5- Type of program

It was clearly stated the application was for an Associate Degree RN program.

2.5.1.2.6- Clinical Resources and availability of resources

Appendix H numbers 1-7 included clinical contracts but Dr. Contino stated all dates were old (2011) and updated information is needed. He also reminded members that the administrator of an organization, not the staff development person, needs to sign contracts. Dr. Zickafoose stated she called the person at Al DuPont to confirm they had signed the contract and to question if Leads LPN students have clinical at Al DuPont. The contact person stated they did not have LPN students in clinical, and in 2011 when Ms. Robinson approached them about a clinical contract it was stated to be for a BSN program. Members agreed this rule was not met.

2.5.1.2.7- Availability of qualified faculty

Number 12 on the Phase I application requested the name and CV of the program director and this was included in the application.

Seven faculty resumes were included in the application. However there was conflicting information and committee members are not sure if there are five or seven faculty. Page 13 states there are "five full-time faculty MSN prepared, whose FTEs will be distributed between the PN and the ADN program. Given this, there will be no need to hire new full-time faculty at the start-up period until the second year before the admission of second student cohort." However, there are seven resumes in Appendix J and neither identifies if these faculty are full or part-time. More problematic and concerning is the fact that Leads plans to keep the current LPN program with a day and evening component and to add the RN program with a day and evening component. In essence there are four programs with only 5-7 faculty. The table listing faculty requested "anticipated hire date" but instead states all are "currently hired." The actual hire date could have been included. Ms. Bastholm made a motion, seconded by Ms. Willey to request Leads to provide additional information to clarify the inconsistency regarding numbers of faculty and hire dates. By majority vote the motion passed with Ms. Brauchler opposing with a point the information is there but we are asking for more, ie. Hire dates.

2.5.1.2.8- Pool of available students

Appendix E 7 contained three lists of student signatures under a heading stating "The following applicants below have signed this document to show their willingness to start the RN Program at Leads School of Technology."

2.5.1.2.9- Timeline

A projected timeline was included in the application indicating Leads plans to keep the LPN program and begin a new Associate degree program with day and evening groups starting in the fall 2015. This rule was met.

In addition, members reviewed items under the heading "Resources" on the Phase I application.

#14-Support Courses presently offered for proposed nursing program

Courses were not listed as instructed. Instead five policy statements were added as 14.1 "Students will be admitted with credits transferred from an accredited schools in the US and territories." Typographical/grammatical errors were present as well. 14.2 stated "Acceptable pre-requisite courses include: English, Mathematics. Sociology, Psychology, Anatomy and Physiology, Chemistry and Microbiology." Pages 20-21 were unclear as to whether Leads offered these support courses or not. Members felt this was not met.

#15-Health or health related courses presently offered and number of students enrolled

A table was presented but the number of students enrolled in each course stated "All students" rather than the actual number of students in each course. There was a statement above the table as "15.2 Total number of students enrolled in the program: 40 students." It is unclear if each class has 40 students or not. Regardless, these are courses currently being offered for LPN students. Members agreed this was met.

#16-List names of educational institutions that will provide basic science support courses

None were specifically listed but members agreed the information provided was adequate to meet this criterion. The application stated "Credits from comparable institutions such as the below listed are admissible for transfer to the Leads School ADN Program: DTCC, UD, Wesley College; DSU and Wilmington University."

#17-Physical Facilities

Appendix K supplied a map and floor plan and the narrative description found on page 22 indicated the facilities are being remodeled. Although no new space is being proposed, there is an additional classroom available.

#18- Library Facilities and holdings to accommodate the nursing program

Phase I application narrative states the library space is being increased from 200 square feet to 360 square feet. A technology room in the library will be constructed to house videotaping capability and members agreed the technology room was a good resource. Dr. Contino stated they are not using nursing terminology when describing textbooks and Dr. Zickafoose pointed out other programs listed the titles of the textbooks. Ms. Bastholm stated they indicate they have textbooks but questioned if they would all be e-books. Members discussed that as they build their curriculum in Phase II they would then determine the textbooks to use and build the library. Ms. Brauchler motioned to accept this criterion as being met, seconded by Dr. Evans-Mitchell. By unanimous vote the motion carried.

#19-Policies governing the creation, storage, and retention of student, faculty, and program records and files

These were listed on pages 27-32 and all members agreed this criterion was met by consensus.

Dr. Contino summarized the committee's decisions based on the Phase I application as follows:

#1, 2, 3, 5, 6, 8, 9, 10, 12, 15, 16, 17, 18, 19 as met

#4- not met- needs current letter from DOE higher education

#7- not met- needs assessment should be extended to a larger population in the professional community and include employment opportunities

#11- not met- clinical agencies need updated letters with signature from administrator

#13- not met- need consistency and clarification between pages 13 and 20 regarding numbers of faculty

#14- not met- was not answered correctly and they need to clarify if the courses are offered or not

Members then discussed how to proceed. Dr. Evans-Mitchell recommended asking them to correct these areas and then resubmit. All criteria in Phase I must be complete and satisfactory before they can move onto Phase II.

Members questioned what bearing NCLEX – PN pass rates have on approval of a new Associate Degree program. Ms. Bastholm pointed out that Leads has the same governing body with the same faculty and policies and their PN program has not been able to achieve full Board approval, so why would a RN program be successful when their LPN program has not been? The LPN program has had six years of NCLEX scores and never met the 80% standard. Dr. Contino stated this is a question we all have. Ms. Bastholm suggested the committee request their rationale for the desire to have a RN program when for the past six years their LPN program has not met the standard. Members agreed that Leads has probably considered this situation. Ms. Brauchler stated they do not have a proven track record.

Dr. Evans-Mitchell made a motion to request corrections and clarifications to the areas not met in Phase I, seconded by Ms. Brauchler. By unanimous vote, the motion carried.

Dr Evans-Mitchell motioned to request their plan of action to address the lack of success for the LPN program and how the RN program will differ, seconded by Ms. Bastholm. By unanimous vote, the motion carried. Dr. Contino added that the student catalog submitted was for the LPN students and this would need to be revised and resubmitted with the Associate Degree program policies and information.

Delaware Skills Center Clarifications

Dr. Zickafoose stated both the LPN program and the refresher submitted clarifications as requested. The refresher program clarification stated it was a typographical error. Dr. Evans-Mitchell made a motion to accept this explanation, seconded by Ms. Brauchler. By unanimous vote, the motion carried.

Members reviewed the clarification for the LPN program and Ms. Brauchler noted that copies of the surveys were not submitted or the results of the surveys. She made a motion to accept the revisions and for the Skills Center PN program staff to submit the surveys and data by June 1, 2014, seconded by Ms. Bastholm. By unanimous vote, the motion carried.

DTCC Stanton RN Refresher Clarification

Nothing was submitted. Dr. Zickafoose will contact the program for the requested information.

At 11:55 Ms. Bastholm left the meeting.

Excelsior College Letter

Dr. Contino read the letter addressed to him (same as one sent to Dr. Zickafoose) from Laird Stabler, III, Government Relations Counsel. The letter recounted the Board's journey with Excelsior and stated "we believe Excelsior's associate degree in nursing program is substantially equivalent to all other programs approved by the Board." They offered Dr. Contino and Dr. Zickafoose the opportunity to attend one of their 2.5 day "CPNE's" located in New York or Pennsylvania. Dr. Contino stated they do not meet the rules and regulations and therefore he respectfully declined the offer. Dr. Zickafoose will communicate this to Mr. Stabler via US mail.

Practice Issues – None

Other Business (for discussion only)

DTCC-Owens ACEN visit Feb. 25, 2014- Dr. Zickafoose advised the members that the original date of Feb. 4, 2014 had been changed. She stated that ACEN is coming for a focused visit based on low NCLEX-RN pass rates. Although there are many outcomes by which a program is evaluated for accreditation, this may indicate an increasing importance in the NCLEX pass rate outcome for accreditation purposes.

Camtech Appeal- Dr. Zickafoose informed the committee that the decision by the Superior Court affirmed the decision of the Board of Nursing to withdraw approval for Camtech.

PUBLIC COMMENT- Ms. Robinson stated that the forum for this meeting and sitting in the audience is very difficult. She stated the amount of time could have been squashed and we would have been out of here right now. She stated she deserved an opportunity to speak and as we raise the bar we meet students with issues. The complaints have been addressed and she noted the grammatical errors in the email from the student. She stated due process was not allowed her, things happen and she has addressed them. Ms. Robinson stated Dr. Keeton is confusing to her and she did not know that one of the complaints was dropped. She did an investigation and will provide the Board with that information. Clear direction is needed from Dr. Keeton and Ms. Robinson had an email stating the 2011 letter was "fine."

Ms. Robinson stated this is the second time they have put this application forward and she did call and talk to people. She spoke with Diane Talarek but no one wants to write a letter to grant approval to clinical at their agencies when they already have a contract in place. Hanneman won't re-do a letter and the contracts are all signed by VPs or CEOs and the contract from Al DuPont is signed by the VP. Ms. Robinson stated she does note the clarification requested and then stated that Diane Talarek did not want to give her the opportunity to support her students. Ms. Robinson added for further clarification without being condescending Diane Talarek stated she could not participate in the survey and was not supportive. Ms. Willey stated that they are a Magnet hospital and their Associate Degree nurses are grandfathered in to get the BSN degree. Ms. Robinson stated this would all "unravel in Phase II" and Dr. Contino asked for clarification and whether she meant it would be "clearer" in Phase II and Ms. Robinson agreed saying it was almost done.

Ms. Willey mentioned that Phase I could be more detailed and she could have noted that CCHS was one facility who refused to respond. Ms. Robinson said Hospice also did not respond. Dr. Contino pointed out the clinical contract for Regency was dated 2011 and it was for two years so it is outdated now. Ms. Robinson responded by saying "I told you they would be updated in Phase II."

Dr. Gambardella requested to speak and introduced herself as a private consultant with over 40 years in education. She stated she understood the committees concerns but the process is very confusing as to how the stages are developed. In the beginning all the approvals had to go together. Initial approval was needed from the Board of Nursing then regional approval from Middle States is a larger part of the umbrella. They went to Mr. Barton who told them until they had approval from the Board for Phase I they could not go any further. When Ms. Robinson met with Dr. Keeton she never told her she had to go to another department. They were in the right place for an Associate Degree program. For clarification, the list of courses are for the LPN program and they are totally irrelevant for the RN program. There is no need to list books- all are geared toward the LPN program. One more comment on the area of employability, no one can give us that answer at this time. There will be opportunities for RNs and it doesn't say ADN or BSN. Hospitals are only hiring BSN nurses so if there is not employability for ALL ADN graduates then look at all programs. Maybe a moratorium on ADN programs is needed in the state. They have a waiting list. How do you count that?

Ms. Willey responded the committee does consider that at other meetings during the year. Why would we allow for the start-up of a new program? Dr. Evans-Mitchell stated the numbers and employability may actually decrease throughout the state. Ms. Brauchler said we don't know where ADN's will end up with Magnet hospitals hiring the majority of BSN grads trying to meet the goal of 80% BSN by the year 2020. Dr. Evans-Mitchell said that CCHS did adopt a new policy to consider in-state schools for clinical placement before out-of-state schools. Dr. Zickafoose added the Board does not have purview over facilities and they can decide who they will or will not allow for clinical placement. However, the Board did add a rule that out-of-state schools must notify the Board when they plan to use DE facilities for clinical. Ms. Robinson stated different states have rules to notify them. She did correspond with both NJ and PA and NJ did send her a response letter. Dr. Zickafoose stated she had two out of state schools notify the Board and she wrote letters to both of them. Ms. Robinson concluded by saying she appreciated all the questions we were asking and she "was working on some personal family ancestry and have an attorney working with her." She was "invited on the Oprah and Judge Joe Brown shows" and she is learning to stick to what she is asked. She stated "If you didn't ask me that, I am not going to give you that information. Ask a question that I am asked. Many of the questions you brought up wasn't on the application so I am trying to give you what you asked me for."

Members of the committee agreed a letter would be sent summarizing the five areas needing clarification. Dr. Zickafoose stated this is a process and Ms. Robinson stated she understood and respects the Board but just wished she could talk and then then thanked the Board. When asked about when we wanted this information, Ms. Robinson stated her husband was having major surgery tomorrow. Committee members suggested 2-2.5 months. Ms. Gambardella suggested three weeks after receipt of the Board's letter. Committee members agreed with this. Dr. Zickafoose stated it might be a couple of weeks before the letter is mailed.

NEXT MEETING- TBD

Ms. Brauchler asked if the committee would have to meet again based on their response or just in June. Members agreed to schedule a meeting once the response is received. Dr. Zickafoose will email committee members with potential dates to determine availability. Members also reviewed their calendars for the June meeting and chose the 13th at 9 AM. Dr. Evans-Mitchell questioned the DSU letter and whether the ACEN report would suffice for their interim report in June. Members agreed that if the ACEN report was acceptable they would not have to submit a report in June.

ADJOURNMENT- The meeting was adjourned at 12:38 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Pamela C. Zickafoose". The signature is written in a cursive, flowing style.

Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE
Executive Director
Delaware Board of Nursing